

NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION

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MINUTES OF MEETING

May 1, 2002

Approved September 5, 2002

Members Present: William Porter, Stephen Judge, Robert Nelson, Les Cartier, David Duquette, Scott Carrigan, Roger Hatfield, Paul Fortier, John Hoglund, Peter Russell, Joseph Butts, Corey Landry, Richard Mason.

Members Absent: John Stephen, Rick Plummer, Donald Bliss.

Others Present: Division of Fire Standards & Training Staff--Bruce McPherson, Bureau Chief; Dennis Rosolen, Bureau Chief; Sue Prentiss, Bureau Chief; Susan Beaudoin, Recording Secretary. Attorney Karen Schlitzer, NH Department of Justice.

I. CALL TO ORDER

Item 1. Pledge of Allegiance to Flag. The meeting of the New Hampshire Fire Standards & Training Commission was called to order by Chair Paul Fortier at 9:36 a.m. on Wednesday, May 1, 2002 at the Richard M. Flynn Fire Academy. The Pledge of Allegiance to the Flag was recited.

II. APPROVAL OF MINUTES

Item 1. April 3, 2002. **Motion** made by Commissioner Landry, seconded by Commissioner Russell, to accept the Minutes of the April 3, 2002 Commission meeting with the following changes noted by Commissioner Duquette:

- (a) Page 3, paragraph 2, first sentence, change spelling of "Epinephren pens" to "Epinephrine pens."

- (b) Page 3, Item 2, paragraph (a), second sentence, change "Fall" to "Spring."
- (c) Page 7, Item 5, second sentence, remove the word "pilot" so the sentence reads: "They are waiting to get some room at the Fire Academy to run the first program, probably in July."

Motion passed unanimously.

III. CHAIR'S REMARKS

Chair Fortier thanked Bureau Chief Sue Prentiss for being at the Commission meeting again. He then turned the meeting over to Director Mason for an introduction.

Director Mason stated that he introduced some new employees two months ago. One of those employees has resigned. Jeff Phillips from the Department of Safety's Information Technology (IT) Division has applied for that vacant position, and effective May 10, 2002 will be the Technology Trainer Captain at the Fire Academy. The Division of IT has made an agreement with us so that Captain Phillips will be allowed to do things for us so that we will not have to wait from someone from IT to come over.

IV. COMMITTEE REPORTS

Item 1. Emergency Medical Services Liaison. Commissioner Duquette reported that this is the off month for the EMS Trauma Coordinating Board meeting. Their next meeting is on May 16, 2002. They are in a holding pattern for their Rules.

Chief Prentiss reported on the following items:

- (a) The Bureau of EMS supports two EMS conferences held in our State. The New London Hospital EMS Conference will be held May 17-20 at Mount Sunapee in Newbury, and the North Country EMS Conference will be held October 17-20 at Bear Peak-Attitash in Bartlett.
- (b) The Bureau of EMS is awaiting word from the Human Resources office at the Department of Safety to post the vacancies within the Bureau. This will begin the process of re-organization. The re-organization scheme for the Bureau has been updated to include an EMS Preparedness Coordinator. This person will coordinate Disaster/Mass Casualty planning at the local level with EMS

Units, Bio-terrorism and Anti-terrorism issues, communications (including 911), and serve as the primary liaison to the Office of Emergency Management, the New Hampshire Hospital Association, and the Department of Health and Human Services on Preparedness planning.

- (c) The Bureau has applied for a federal grant to enhance New Hampshire's Trauma System. The funds would be used to support a part-time position under the Trauma Coordinator to develop and implement a Trauma Care Documentation program as well as support the activities of a stakeholders group focused on developing an Trauma-EMS evaluation system. There is \$40,000.00 available a year, for three years.
- (d) The Bureau of EMS is cooperatively working with physicians on the Medical Control Board to develop a protocol for EMT Basics to administer Epinephrine via an "Epi-Pen" and an educational program to support this protocol.

Item 2. Curriculum Review. Commissioner Duquette thanked Director Mason for having someone do a written Curriculum Status Report each month. The May 1, 2002 report states:

- (a) Driver/Operator: The first pilot took place the week of March 6, 2001 at the Fire Academy. The program was successful and we will be gearing up for a second pilot this Fall. Again the aerial ladder portion will be initiated shortly.
- (b) Hazardous Materials Operations: The first two pilots were completed at this point in time, one at the Academy, and one in Sullivan County. The delivery was evaluated, the curriculum is good, however the amount of slides were cumbersome. A meeting is scheduled with the three instructors to discuss their concerns. More than likely, it is a matter of preparation and teaching the new program to know when to move along and when to emphasize particular objectives. Example, spend more time on the Emergency Response Guide rather than use only or as many slides first.
- (c) Hazardous Materials Technician: A technician level course has just been completed in Nashua coordinated by Mike Mansfield. The curriculum and course delivery were satisfactory with still some items for the trailer have been purchased. Our next course is scheduled in Hanover starting Monday, May 13.

- (d) Aircraft Rescue & Fire Fighting: The curriculum is ready to go, we are waiting for some photographs from Manchester Airport, the Instructor Manual for final proof reading, and cost estimates for tuition to be finalized.

- (e) NFPA 1030 Series:
NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiners will be offered June 3 to 7. The visiting committee is working diligently with the final presentation package to be ready for this class.

NFPA 1033, Standard for Professional Qualifications for Fire Investigator and NFPA 1035, Standard for Professional Qualifications for Public Fire and Life Safety Educator are still in the Visiting Committee phase.

- (f) Rescue Series--Structural Collapse: The curriculum is anticipated to be presented in the near future to the Commission.
- (g) Rescue Series--Confined Space: The first pilot is scheduled to be held in Franklin May 15 to 17, 2002.
- (h) Other: We will need to initiate Visiting Committees for the following in accordance with the Commission vote on February 3, 1999:

NFPA 1001, Standard for Fire Fighter Professional Qualifications (2002 edition)

NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications (2002 edition)

NFPA 1021, Standard for Fire Officer Professional Qualifications (2002 edition)

NFPA 1041, Standard for Fire Service Instructor Professional Qualifications

- (b) and (f) Rescue Series--Structural Collapse and Confined Space (continued): Chief Rosolen reported that the Confined Space Collapse program is on hold as we don't have the prop ready at the Academy at this time. Commissioner Carrigan asked if Franklin is running the program because they have a suitable facility; Chief Rosolen replied that that is correct. Commissioner Carrigan asked, if another fire department has a facility that is suitable, would they be able to run the program before our second pilot is

done here. Chief Rosolen answered that, if you take it on a case-by-case basis, you might be able to do two pilots in the field before you do one here.

Commissioner Carrigan said that there is a demand for this class right now as students have taken ITRS and want to move on. Hampstead has a facility and possibly others do. Chair Fortier said that we have that flexibility. The reason we were holding one pilot here and one in the field was to show that the program was field deliverable, so actually it is meeting the intent of the Commission's vote.

Motion by Commission Hatfield, seconded by Commissioner Butts, that the second pilot for Confined Space Rescue can be either in the field or at the Fire Academy. Motion passed unanimously.

- (h) Other (continued): Commissioner Duquette said that Visiting Committees need to be established for NFPA 1001, 1002, 1021, and 1041. Director Mason said we can advertise them over the Summer. Chief Rosolen reported that NFPA 1001, 1002, and 1021 are not here yet. He asked if we get a new Visiting Committee or use the previous one. Chair Fortier answered that we will re-advertise for new Visiting Committees.

Item 3. Fire Marshal's Office. Director Bliss was absent. Director Mason reported that the Bill is on the Governor's desk for her signature to transfer the Office of Emergency Management to the Fire Marshal's Office as a Bureau. The Division will be known as the Division of Fire Safety & Emergency Management. There will be a new building for the two offices plus the Electricians' Board.

Chair Fortier asked if anyone had contacted the Chaplains Association as to the change in the location of the monument. Director Mason answered that he has spoken to Charlie Chalk about it. He said that the monument is all conceptual right now; we have other ideas as to where it could go.

Item 4. Forest Protection Bureau. Commissioner Nelson reported on the following items:

- (a) They are updating their website twice a day, at 10:00 a.m. and at 2:00 p.m., with the fire class day listed.
- (b) They are working on an 800 number for people to get an update on the fire class day, etc.

- (c) The Office of Travel & Tourism has an 800 number for information for tourist; they may put the fire class day on that also.
- (d) The Warden and Deputy Warden training is going very well. They have completed nine of ten sessions, with 56 to 140 people at each one. Some legislators and selectmen have attended.

Chair Fortier reported that the training was a town meeting type forum. They were recording what the Wardens and the Deputy Wardens had for suggestions, such as an 800 number. Chair Fortier said he thought it was very good, and he heard a lot of positive comments.

Commissioner Nelson said that minimum qualifications and training are being discussed. This has created quite a bit of discussion on qualifications and training for volunteers. There is nothing in place now. These issues would have to be negotiated very carefully. Chief Rosolen said that the people are saying it themselves that things are needed for volunteers.

Commissioner Russell asked if they are starting to see more coordination between the communities and the Wardens/Deputy Wardens. Commissioner Nelson answered that he thinks there is.

Commissioner Porter asked if Commissioner Nelson had any plan to utilize the geo-stationary satellite. Commissioner Nelson replied that the technology is becoming available to them. It can detect a fire as small as a campfire, but it needs a 24/7 dispatch center.

- (e) Most fire towers are now open. Looking for someone for Federal Hill still.
- (f) Currently working with New Boston Tracking Station. The Station held a training burn there that got out of control and required them to call in mutual aid.
- (g) Public Service Information: Gerald Nelson Jr. is a logger operating between New Hampshire and Maine; has been using deceptive forestry practices in Maine. Now operating in New Hampshire on four separate cases. Gilmanston Police Department arrested him last week. All town offices have been notified about him. We need to get the word out there that this person needs to be watched.

Item 5. Rapid Intervention Teams (RIT). Commissioner Cartier reported that he should have a date in May by the end of today for the Visiting Committee to come in to review the Rapid Intervention Teams program.

Commissioner Carrigan asked if the program scheduled in July would be open to all Fire Instructors; Commissioner Cartier that it would be.

Item 6. NFPA Standards 1031-1033-1035. Commissioner Hatfield reported that he has had no feedback since last month. They are still getting ready for the pilot programs for 1031.

Chief Rosolen reported that he has talked with Rick Wood. The 1033 subcommittee is dormant at the moment. The 1035 subcommittee only has two people active at the moment.

V. REPORT OF THE DIRECTOR

Item 1. Director's Report #61 covered the following subjects: 1) Grand Opening, 2) ARFF Working Group Conference, 3) NH Safety & Health Council Conference, 4) Recruit School, 5) NHAFC Annual Meeting, 6) Division Technology Trainer, and 7) Vacation.

Further discussion was held on:

- 2) Director Mason passed around some pictures from the training. He said he talked with Chief Lagerberg this week who said he was pleased at how well the training went.
- 4) Commissioner Duquette asked how many of the Recruit School students are currently on the job. Chief McPherson answered that all are on the job except for two or three who are going through the full 11 weeks.

Other items discussed were:

- 8) Chief Ron O'Keefe of Durham Fire Department has been nominated for Chief Rick Plummer's position on this Commission.
- 9) If members would like to participate, the Fire Standards & Training Commission could be listed as a Century Contributor for the NH Fire Service Committee of Merit.
- 10) A meeting was held yesterday (April 30) with fire department personnel regarding CPAT, and we didn't have all the answers. We will receive a limited license to present the program only. The fire departments will receive another license.

We are looking at running CPAT at armories. A key issue with the test is that it's an entrance test and not an on-going candidate test. When the trailer comes in here, it will be all packed. It will

meet the standard 100 percent; ladders, gloves, helmets, everything has a standard to be met.

We may not have everybody do the physical test with the written test this Fall.

Director Mason noted that Program Coordinator Scott Merrill is doing an excellent job of coordinating this.

Commissioner Hatfield asked if there is a cost to license; Director Mason replied that there is not.

Commissioner Hatfield said that, when Nashua receives the list, they interview all candidates. He asked if this test will be done four or five times a year. Director Mason answered that, if someone passes the written test, they then can go to the physical ability portion. He said that eight weeks before candidates take CPAT, they have to have the opportunity to go to an orientation class. The morning of the CPAT, the orientation will be offered. At noon, they start running people through the physical test, and the candidates can stay to watch them do it.

Commissioner Landry stated that at yesterday's meeting it was said that we would get the list in January. He asked if they could get the list after candidates pass the written test. Director Mason replied that they could.

Commissioner Landry asked if we can legally hire someone and give them a year to pass CPAT. Commissioner Judge said there is no time limit listed under Rule Fire 700. Commissioner Hatfield said, if he does it that way, he has now invested money on this firefighter, and it could be he does not pass in the year's time. Commissioner Carrigan added that he can see that the firefighter might be training for six months, and he/she has received good reviews, and now he/she can't pass CPAT. Does that open it up to affirmative action as they are being discriminated against. He said that the intent of the physical ability test is to show that you have the physical ability to be a firefighter.

Chair Fortier asked if a probationary firefighter is still a candidate, and Commissioner Judge replied that that is the question. Commissioner Judge said that 701.21 says "before the candidate is

employed." It seems to him that you should pass the test before you get hired.

Director Mason noted that we won't be able to pass the number of candidates through CPAT like we did on the old test. Also, we could bump someone at the time of the test if someone needs to meet a time requirement. We would be running CPAT every two months. Commissioner Hatfield said that everybody has based their hiring practices on this in the past years. The fire departments that he deals with won't hire anyone until they have passed the test.

Commissioner Duquette said that the local option is that you can buy the equipment and the license to do the test yourself.

Chief Rosolen said that, once the test is up and running, and we do it every other month, we will be able to print a list from the written examination and the candidates will have their card for CPAT.

Commissioner Carrigan asked if the noncontinuous tests will still be done. Director Mason answered that the Heights test is the only one still there; the others are done in CPAT.

- 11) John Stephen will be announcing formally soon that he is running for Congress.
- 12) New Commission Meeting schedule: 10:00 a.m. on Thursdays starting in September 2002. Meeting dates for 2002 will be September 5, October 3, November 7, and December 5. Director Mason noted that the Commissioners may want to meet at 3:00 p.m. on November 7 as the Academy Awards are that evening.

Commissioner Judge said that he appreciates the change in the meeting time and date.

- 13) Commissioner Nelson said that he has told Frazer Paper Company that training is available from this agency.

VI. OLD BUSINESS

Item 1. C2F2 Residency Requirement. Director Mason reported that we requested an opinion from the Attorney General's (AG's) Office, through Commissioner Judge, regarding the question of the C2F2 residency requirement possibly being an unfunded mandate. He

introduced Attorney Karen Schlitzer from the AG's Office who presented her advice memo.

Attorney Schlitzer thanked everyone for inviting her to the meeting. She said that, in addition to Article 28-a of the New Hampshire Constitution, she also reviewed RSA 541-A, which is the statutory counterpart to Article 28-a.

Attorney Schlitzer stated that the AG's Office has concluded that the C2F2 residency requirement does not violate the provisions of Article 28-a or RSA 541-A for the following reasons:

- (1) The Commission's authority to establish firefighter training standards, which started in 1981, predates Article 28-a which was adopted November 28, 1984.
- (2) Localities have always been responsible for funding the training so that has not changed.
- (3) The Commission's rulemaking authority in this regard is statutorily exempt from RSA 541-A.

With regard to the Commission's question about what impact the residency program could have on the Fair Labor Standards Act, Attorney Schlitzer said that they are still researching this issue.

(See attached copy of Attorney Schlitzer's written advice memo.)

Commissioner Hatfield reported that a lot of the fire chiefs are having a problem with the fee for the classes, which is approximately \$280 per student. Besides paying that fee, which is a certain percentage of the cost, the localities have to support the firefighters being here Monday through Friday. Some unions are saying the departments will have to pay overtime.

Commissioner Judge stated that the Commission has received an advice memo from the AG's Office. The Commission is following the AG's advice, so the AG's Office will support the Commission in court. The court is the final decision maker. He noted that it's a considerable step forward to get the advice memo from them, and it is their best view on the law.

Commissioner Hatfield asked if Director Mason knows if the police departments have to pay a fee for their personnel to attend the Police Academy. Director Mason answered that the programs are free. Each

town provides instructors for different modules of the training so the town is paying in a round-about way. Commissioner Landry said that 10:00 p.m. to 5:00 a.m. is the only free time that the students have at the Police Academy. Director Mason said the students' formal training does not exceed 40 hours a week as they subtract all their break times, meal times, and any other times when they are not in class.

Director Mason noted that during the hearings for House Bill 303, the legislators did not want the towns to have a free ride. The \$280 fee for a two-week course is cheaper than the towns sending their chief officers up to teach for the course. Commissioner Hatfield said that is how he explained it to the fire chiefs. The discussion had come up again at the Border Area meeting last night. Chair Fortier said that there is a provision where the fee could be waived if the town wants to write a letter showing they cannot afford the fee.

Chair Fortier asked if the Commission would be getting an advice memo on the Fair Labor Standards Act question. Commissioner Judge replied that they would.

Commissioner Duquette reported that Dover went to the PELRB in the early 1980's. At that time, it was determined that it could be written into the probationary firefighters' contract that there would be no overtime. Durham included their probationary firefighters with their regular firefighters in their contract, so now they have to pay overtime. They knew about this before they set their contract. Commissioner Judge said this is not a cost caused by the Commission; it's caused by the town. Commissioner Duquette said they could make it a part of their pre-employment agreement like Nashua did.

Chair Fortier said that he thinks the Commission should not wait for the legal opinion from the AG's Office before we ask the Professional Firefighters and the Fire Chiefs Association if they are going to support this. He said we need a show of support from both agencies now. Director Mason reported that, at their March 2000 meeting, the Fire Chiefs Association membership voted to support this as written.

Commissioner Duquette stated that the more this goes on the less the issue because people are going to get the training before they are hired.

Chair Fortier thanked Attorney Schlitzer for the advice memo and for attending the meeting. He asked Commissioner Judge if we might have the second advice memo for the June Commission meeting. Commissioner Judge replied that he thinks so.

Commissioner Duquette said that the Visiting Committee's Report, with a narrative added to it, and the Attorney General's Advice Memo is something we can send out to people for informational purposed.

Commissioner Carrigan asked what are the benefits of staying here. He said he doesn't have an answer for that. What are we teaching them at night while they are sleeping? What is the firefighter going to learn? What is the value of staying here? Commissioner Duquette replied that the value is the certification program. It's part of the certification program. People can share their experiences. That is why you put the probationary firefighter with someone with experience. Questions that are asked at night you aren't going to get from a textbook; that's the way that is. Those who have been through it know why. Commissioner Butts said that, as an example, the new firefighters he spoke with didn't know anything about the retirement system. Commissioner Duquette said we also offer a class on how to get hired. Commissioner Carrigan said he knows all that, but he wants it on paper to show to people.

Chair Fortier said that he has a personal interest in it as he has been Recruit School Chief for two years, and will be for this one coming up. He said there are three platoons. The first week, they have to choose their own platoon leaders. The second week, the Recruit School Chief picks the leaders, and we pick the least likely leader.

Chair Fortier said that it comes back to the question: Are the Professional Firefighters going to support this or are they going to fight it. He asked if everyone believes that that is a concern of the Commission. It was that consensus of the Commission and we would like a reply.

Director Mason said that he was the biggest nay-sayer, and now he thinks it's a very worthwhile program. Commissioner Carrigan said this would be an excellent opportunity to get the information down on paper as the students will be here. Collect their thoughts and feedback while they are here. Commissioner Duquette said that he is going to work toward putting this together in writing.

VII. NEW BUSINESS

Item 1. Federation of Fire Mutual Aids Association. Commissioner Hatfield reported that the next meeting of the Federation of Fire Mutual

Aids Association is Wednesday, May 22 at 7:00 p.m. in Gorham. Regional hazardous materials teams will be discussed. He has been telling people about the training available through here with grants. The meetings are open to the public, and anyone who would like to be on the agenda should contact Commissioner Hatfield.

Item 2. Firefighter IA Program in Bristol. Commissioner Nelson said there is a Firefighter IA Program running in Bristol, and last Saturday, April 27, was the Forestry class live training day. Bristol Fire Department wanted two Forestry instructors to sign off that they would take responsibility if the live burn got away from them. They ended up not holding the training as the weather wasn't right to conduct it. Commissioner Nelson stated that the liability remains with the community.

VIII. RETREAT ITEM DISCUSSION

Item 1. Instructor Quality Control. Chair Fortier asked that Instructor Quality Control be tabled until the next meeting.

Motion by Commissioner Hatfield, seconded by Commissioner Cartier, to table Instructor Quality Control until the next Commission meeting; motion passed unanimously.

IX. GOOD OF THE ORDER

Item 1. FIOANH Commission Representative. Commissioner Carrigan reported that the Fire Instructors & Officers Association of NH has conducted their interviews for a new representative to the Commission. Selected was Deputy Chief Steve Carrier of the Laconia Fire Department. He should be approved at the Governor & Council meeting in June.

Commissioner Hatfield and Chair Fortier thanked Commissioner Carrigan for his years of service to the Commission. Commissioner Carrigan was given a round of applause.

Item 2. Multiple Sclerosis Walk. Commissioner Hoglund thanked everyone for their support on his walk for Multiple Sclerosis. His daughter, his wife, and he raised \$1,300.00 for the program.

Item 3. Department of Education Commission Representative.

Commissioner Porter said that a selection has not been made yet by his Commissioner on his replacement on the Commission.

Item 4. NH Fire Service Committee of Merit. Commissioner Nelson recommended that the Commission members make a donation to the NH Fire Service Committee of Merit.

X. ADJOURNMENT

Motion made by Commissioner Cartier, seconded by Commissioner Nelson, and passed to adjourn at 12:20 p.m.

Respectfully submitted,

Richard A. Mason, Director